

Who Can Apply for a CON to Offer Home Health Agency Services?

There are three categories of qualified applicants:

- existing Medicare-certified HHA licensed in Maryland;
- existing Medicare-certified HHA licensed in another state;
- non-HHA service providers currently licensed, accredited, and in good standing (such as a hospital, a nursing home, or a Maryland residential service agency (RSA) providing skilled nursing services in Maryland). See COMAR 10.24.16.06 for specific qualifications.

In addition, there are performance-related qualifications that a prospective applicant must meet. They will vary by type of applicant, as described in COMAR 10.24.16.06D.

<http://www.dsd.state.md.us/artwork/10241601.pdf>

Since an applicant is required to be or become Medicare- and Medicaid-certified, it is important to fully understand what is required by the Centers for Medicare and Medicaid (CMS). The Conditions of Participation can be found at <https://www.federalregister.gov/regulations/0938-AG81/home-health-agency-conditions-of-participation-cms-3819-f->.

How Will NEED be Determined?

The HHA Chapter of the State Health Plan implements an approach to regulating the development and expansion of HHA services in Maryland that is based on ensuring consumer choice of high quality providers. In accordance with the HHA Chapter (COMAR 10.24.16.04), a jurisdiction will be identified as having a need for additional HHA services if it is determined that the jurisdiction has insufficient consumer choice of HHAs, a highly concentrated HHA service market, or an insufficient choice of HHAs with high quality performance.

When Might an Applicant Submit an Application to Offer Home Health Agency (HHA) Services in Maryland?

The Maryland Health Care Commission (MHCC) has not yet published its updated determination of need for HHA services. Commission staff is developing a set of quality performance indicators that we believe defines a high quality provider, consistent with COMAR 10.24.16.

Because quality and performance measures are evolving, the qualifying criteria proposed to be used will be published in the *Maryland Register* and posted on the Commission's website for review and comment. The Commission will consider the comments and Commission staff's recommendation in establishing the quality measures and required performance levels that will be used in a given CON review cycle.

Commission staff anticipates that selection of quality measures and establishment of performance levels for those quality measures will be posted on the Commission's website for review and comment by Fall 2016. After those measures are finalized, a CON application schedule will be posted.

What Else Should I Know?

Effective January 1, 2016, Maryland was selected as one of nine states to participate in the Home Health Value-Based Purchasing (HH VBP) demonstration project. It would behoove a potential applicant become knowledgeable about Medicare's Prospective Payment System for reimbursement as well as CMS' HHVBP model.